

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Petitioner,

v.

No. 13-cv-30144-DRH

CORVIN N HOWARD,

Respondent.

MEMORANDUM and ORDER

Presently before the Court is defendant's *pro se* motion asking this Court for an order "clarifying his sentence and/or time spent in the custody of the FBOP, for the purpose of calculating his jail credit" (Doc. 55). Based on the record and the following the motion is **DISMISSED** for lack of jurisdiction.

As the Court explained in denying defendant's prior motion seeking credit for time served (Doc. 52, Doc. 50), the Court has no authority to compute the defendant's credit for time served. That power is vested solely in the Attorney General or the Attorney General's designee, the Federal Bureau of Prisons ("BOP"). See 18 U.S.C. § 3585(b); *United States v. Wilson*, 503 U.S. 329, 333–35, 112 S.Ct. 1351, 117 L.Ed.2d 593 (1992); *United States v. Koller*, 956 F.2d 1408, 1417 (7th Cir.1992). Further, the Seventh Circuit has specifically held that the proper mechanism for challenging the computation of a federal prison sentence is

a petition under 28 U.S.C. § 2241. *See Atehortua v. Kindt*, 951 F.2d 126, 129 (7th Cir.1991); *United States v. Hornick*, 815 F.2d 1156, 1160 (7th Cir.1987); *United States v. Ford*, 627 F.2d 807, 813 (7th Cir.1980). Such petitions must be filed in the federal judicial district where the defendant is confined. *See Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 494–95, 93 S.Ct. 1123, 35 L.Ed.2d 443 (1973); *United States v. Prevatte*, 300 F.3d 792, 799 n. 2 (7th Cir. 2002); *Garza v. Lappin*, 253 F.3d 918, 921 (7th Cir. 2001). Further, any such challenge can only be considered after the defendant has exhausted the administrative remedies furnished by the BOP. *See Clemente v. Allen*, 120 F.3d 703, 705 (7th Cir. 1997).

The record reflects that the defendant is presently confined by the Bureau of Prisons (“BOP”) in the United States Penitentiary (“USP”)-McCreary, located in Pine Knot, Kentucky. Accordingly, to the extent that the petitioner is attempting to file a 28 U.S.C. 2241 petition challenging the computation of his sentence, it must be filed in the Eastern District of Kentucky.

For the reasons stated above, defendant’s motion is **DENIED** for lack of jurisdiction.

IT IS SO ORDERED.

Signed this 30th day of August, 2016.



Judge Herndon
2016.08.30
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United States District Judge